

IPR2023-01119
U.S. Patent No. 7,246,058
Attorney Docket No. SONYNJ 7.1R-019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY ELECTRONICS INC.,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-01119
U.S. Patent No. 7,246,058

**PETITIONER'S MOTION PURSUANT TO 37 C.F.R. § 42.104(C) TO
CORRECT TYPOGRAPHICAL MISTAKES IN PETITION**

Petitioner Sony Electronics Inc. (“Petitioner” or “Sony”) hereby moves pursuant to 37 C.F.R. § 42.104(c) to correct a clerical error that caused typographical mistakes in its petition.

I. ARGUMENT

Petitioner’s petition is a “me too” petition that sets forth the same substantive invalidity arguments and evidence as the petition filed by Amazon.com, Inc. (“Amazon”) in IPR2023-00222 (now terminated), as explained in Petitioner’s motion for joinder (Paper No. 3). Upon reviewing its petition, counsel for Petitioner has now learned that during the preparation of its petition, a clerical error occurred before the petition was filed that introduced certain typographical mistakes.

Amazon’s petition contained an “INTRODUCTION” section that did not include a Roman numeral in its heading. All subsequent sections, however, had hierarchal headings using numerals and letters. Petitioner copied all of Amazon’s arguments and hierarchal headings, but before the petition was filed, clerical staff at counsel for petitioner mistakenly included an uppercase Roman numeral in the heading for the “INTRODUCTION” section. This caused each subsequent section to have the wrong Roman numeral in its heading. For example, what should have been section VI.A. became section VII.A. As a result, the internal references to other sections in the petition (via *supra* references) are incorrect.

Petitioner proposes to correct this typographical mistake by simply deleting the Roman numeral in the heading of the “INTRODUCTION” section. This will cause each subsequent section to have a heading with a Roman numeral value one less than in the originally filed petition. Petitioner attaches as Exhibit 1021 a corrected petition that implements this change, including a new Table of Contents. No other changes to the petition are required, and no other revisions were made in Exhibit 1021.

Petitioner respectfully submits that correction under 37 C.F.R. § 42.104(c) is appropriate. Petitioner’s proposed changes are not substantive, and will have no substantive impact on the proceeding. Petitioner moved to make this correction promptly after learning of the error during a review of the petition on August 8, 2023. There is no prejudice to Patent Owner, who received full notice of Petitioner’s arguments and theories with the original petition. None of the arguments or evidence has changed. The only thing that will change in the corrected petition is the hierarchical numbering used for the various section headings, and the associated section numbering in the Table of Contents.

II. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board grant its motion under 37 C.F.R. § 42.104(c) to correct typographical errors in its petition, and that Petitioner's petition be corrected to the form shown in Exhibit 1021.

Respectfully submitted,

LERNER DAVID LLP

Dated: August 24, 2023

By: /Gregory S. Gewirtz/
Gregory S. Gewirtz
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
**PETITIONER'S MOTION PURSUANT TO 37 C.F.R. § 42.104(C) TO
CORRECT TYPOGRAPHICAL MISTAKES IN PETITION** was served in its
entirety by filing these documents through the PTAB P-TACTS System, as well as
by Priority Overnight to the following correspondence address of record for Patent
Owner on August 24, 2023:

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